

**TOWN OF CLAYTON**

Annual Town Meeting  
Meeting Minutes

April 10, 2012  
7:01 p.m. – 9:30 p.m.

8348 County Road T Larsen, WI 54947

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**I. Call to Order**

Called to order at 7:01 p.m. by Chairperson Luebke.

Roll: Town Board Members Present at the Electors Meeting

Chairperson Luebke	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman Erdmann	PRESENT
Supervisor Schmidt	PRESENT
Supervisor Geise	PRESENT

Roll: Town Staff Present at the Electors Meeting

Administrator Johnston	PRESENT
Treasurer Bowen	PRESENT
Public Works Foreman Pamentier	PRESENT
Animal Control Officer Huebner	ABSENT

Roll: Others Town Officials Present at the Electors Meeting

Plan Commission Chair, Dick Knapinski	PRESENT
Green Space Committee Chair, Patti Stanek	PRESENT
Building Inspector, Tom Spierowski	ABSENT
Assessor, Mark Brown (Associated Appraisal Consultants, Inc.)	ABSENT
Auditor, Mike Konecny (Schenck SC)	PRESENT
Fire Chief, Glen Mathison	PRESENT
First Responder Cindy Pfankuch	ABSENT
Town Engineer, Mary Jo Miller (Martenson & Eisele)	PRESENT
Interpreters: Virginia Gutierrez	PRESENT

Pledge of Allegiance recited.

Meeting properly noticed.

**II. Introduction and Recognition of Eagle Scout Achievement**

Town Board Chairperson, Mark Luebke, presented flags for achieving Eagle Scout to:

- Hans Christianson
- Jonathan Holden

**III. Introductions by the Town Chair of the Elected Officials**

Town Board Chairperson, Mark Luebke, introduced elected officials, staff and support staff.

Town Board:

- Supervisor 1 – Kay Lettau
- Supervisor 2 – Linda Grundman-Erdman
- Supervisor 3 – Ann Schmidt
- Supervisor 4 – Russ Geise

**Staff and Support Staff:**

- Town Administrator – Richard Johnston
- Treasurer – Tori Bowen
- Public Works Foreman – Scott Pamerter
- Animal Control Officer – David Huebner
- Plan Commission Chair – Richard (Dick) Knapinski
- Green Space Committee Chair – Patti Stanek
- Fire Chief – Glen Mathison
- Town Engineer – Mary Jo Miller
- Town Assessor – Mark Brown (Associated Appraisal Consultants, Inc.)
- Town Auditor – Mike Konecny (Schenck, SC)
- Interpreter - Virginia Gutierrez

**IV. Approval of Minutes**

- Regular Town Board Meeting – April 12, 2011  
**MOTION BY:** Richard Fischer, (8685 N. Oakwood Ave)  
**SECOND BY:** Russell Geise, (8014 County Rd T)  
**MOTION TO:** Approve Annual Meeting Minutes from April 12, 2011, as written.  
**MOTION:** Carried by unanimous voice vote.

**V. Reports**

- A. Building Inspector's Report (Chair Luebke reported)
    - Reviewed 2011 Building Inspection totals
    - No resident questions.
  - B. Assessor – Mark Brown of Associated Appraisal Consultants, Inc.
    - No Report given
  - C. 2011 Audited Financials – Mike Konecny of Schenck SC
    - Reviewed the 2011 Annual Financial Report
    - Reviewed the Management Letter
    - Management Letter contained a recommendation: Town needs to develop a capital asset record
    - Overviewed Balance Sheet – General Fund (Assigned Funds, Unassigned Funds), Capital Improvement Fund
    - Page 7 – General Fund / Revenues (received more than budgeted) and Expenditures compared to Budget (spent less than budgeted), did not borrow money allocated in budget (\$340,000) for capital projects
    - Page 13 – Long-term debt: Town currently paying on \$500,000 loan with two years left to pay
    - Debt limit and the Town's ability to borrow against Town's valuation
    - Town is in sound/stable financial position.
    - No incomplete information. Nothing unusual.
    - No resident questions.
- Town Board Chairperson Luebke recognized Virginia Gutierrez and excused her from the meeting.
  - Town Board Chairperson Luebke recognized the Winnebago County Sheriff's Department representative present thanking the officer for continuing to patrol the Town parks and Shady Lane.

- Town Board Chairperson Luebke recognized the new District Representative to the area – Representative Kraufert.
- D. Plan Commission – Chair Dick Knapinski (introduced Plan Commission members)
  - Thanked Commission members for their service.
  - Highlight Issues: Updating the Town’s Subdivision Ordinance, the approval of the Outagamie County Airport Overlay, Farmland Preservation Map approval – Winnebago county will continue to work on and improve, the Town’s Storm Water Management Utility, the wind turbine siting rules, the approval of the Winnebago County Zoning code within the next few months and the opportunity of the Town to stay within the Counting Zoning code or to create a zoning code for the Town.
  - No resident questions.
- E. Green Space Committee – Chair Patti Stanek (introduced Green Space Committee members)
  - Thanked Committee Members for their service
  - Reviewed 2011 highlights – the focus was in maintenance of the parks and trails, trying to be conservative within the 2011 budget allowances.
  - Announced that Chair Stanek will be stepping down from the position of Green Space Committee Chair.
- Town Board Chairperson asked the electors if anyone would be interested in serving on the Green Space Committee.
- Town Board Chairperson Luebke asked the electors if anyone would be interested in volunteering for ClaytonFest.
- F. CWFD First Responders – (Chief Mathison reported and introduced Cindy Pfankuch)
  - Overviewed the following:
    - Total calls in 2011 (Clayton, Winchester, and Mutual Aid) = 183; Town of Clayton = 119, Town of Winchester = 61; 102 medical, 26 vehicle, 51 trauma, and 4 training, tornado, standby; 3 not recorded Township
    - Reviewed average call response time (7 minutes), average number of First Responders per call (3.28), average time on scene (48 minutes), and average number of patients per call (1.16)
  - Question: Ben Hamblin, 2986 Shady Lane – How many responses required mutual aid? (Answer: The Fire Department report will answer that question)
- G. CW Fire Department – Chief Glen Mathison
  - Overviewed the following:
    - Fire Department officers, Training Officer, number of active members on squad = 35, 4 open positions and 1 applicant
    - Total calls in 2011 = 102 (Clayton = 58, Winchester =36, and Mutual Aid = 8)
    - To date calls in 2012 = 30
    - 2 Federal Grants (replacing turnout gear and replacing the E43 with a Quint) were applied for and denied
    - Mutual Aid Box Alarm System (MABAS) is up and running
    - Winnebago County is purchasing new portable and mobile radios for police and fire agencies in the county to become compliant by January 1, 2012; Clayton-Winchester will be receiving 40 portable and 12 mobile radios
    - Purchased a new rescue engine (pumper truck) from Pierce replacing the current equipment van and the E44 in Winchester; the department’s first multi-person cab able to carry 6 fire fighters; and will be featured in the 2013 Pierce calendar
    - Working on the remodel and construction of the Larsen fire station
    - Control Burn – contact before start and after finish.

- Thanks to the Clayton Town Board and residents for the purchase and installation of the new address signs throughout the Town of Clayton and encourage the Winchester Board and residents to purchase and install the new flag style address signs as well
  - No resident questions.
  - Town Board Chairperson Luebke commended the Clayton-Winchester Fire Department with a job well done, and the team work with the surrounding area Fire Departments that participate in the Mutual Aid agreements.
  - Town Board Chairperson Luebke also discussed the new fire engine being displayed at the Indianapolis, Indiana show – Mr. Rickman will be videotaping the event and will have the video available at the next Joint Fire Board meeting.
- H. Town Administrator – Richard Johnston
- Thanked Board, Plan Commission, Green Space Committee, Town Staff
  - Staff continues to work behind the scenes researching and preparing all meeting material, working with the engineers on various projects throughout the Town, planning and preparing for upcoming elections, continuing to work on routine operations of the Town (i.e. bill paying, payroll, budget analysis)
  - Budget process to start late August/early September
  - No questions

## VI. Topics of Consideration

- A. Set the Town Board of Supervisors salaries (\$8,300 per year for the Chair, \$5,100 per year for Supervisor), Plan Commissioner salaries (\$44 per meeting), and the per diem for out-of-town meetings (\$44 per half day/\$66 per full day) to take effect for the 2013 term.
- **MOTION 1 BY:** Terry Klingenberger, (3637 Larsen Road)
  - **SECOND BY:** Arden Eckstein, (3960 Larsen Road)
  - **MOTION TO:** Keep the salaries for the Town Board Supervisors at \$8,300 per year for the Chair and \$5,100 per year for the Supervisors for the 2013 term.
  - **VOTE ON MOTION:** Carried by unanimous voice vote.
  - **MOTION 2 BY:** Terry Klingenberger, (3637 Larsen Road)
  - **SECOND BY:** Arden Schroeder, (9458 State Road 76)
  - **MOTION TO:** Keep the salaries for the Plan Commission at \$44 per meeting and keep the out-of-town meeting per diem at \$44 per half day and \$66 per full day for Town Board Members for the 2013 Calendar Year.
  - **VOTE ON MOTION 2:** CARRIED by unanimous voice vote.
- B. Set the date of the CY2012 Annual Meeting for the 3<sup>rd</sup> Tuesday in April (April 16, 2013) or within 10 days following that date (per Wisconsin Statutes Act 115).
- **MOTION TO:** To set the 2013 Annual Meeting for Tuesday, April 16, 2013 at 7:00 p.m. at the Town Meeting room
  - **MOTION TO APPROVE BY: (Unanimous consent)**
- C. Update the Electors on the Town/Fire Hall remodeling project.
- Closing date for the construction bid will be the end of April with a pre-bid meeting to be held on April 11, 2012 at 9:00 a.m.
  - The meeting room will be kept open until after the recall election June 5, 2012.
  - There were some minor modifications done to the approved plans to adjust the offices and access to the power panel for the cistern.

- The expected start date for the construction will be the end of May 2012 or the beginning of June 2012
  - The grant has been sent to the State and they are in the process of reviewing it. There is no guarantee that the grant will be awarded.
  - Question: Scott Valitchka, 9251 Bomar Ave – Where will the Fire Department equipment be stored during construction?  
(Answer: The Public Works garage will house the fire engines and the Public Works vehicles will be housed in the cold storage shed)
  - 2<sup>nd</sup> Question: Scott Valitchka, 9251 Bomar Ave – When is the expected completion date for the project?  
(Answer: December 31, 2012; Town Administrator Johnston added that the Town Offices/Town Hall is expected to be complete by the November Presidential Election and Town Board Chair Luebke added that the construction will be in 3 phases starting with the two bays that will be converted to offices.)
  - Question: Ben Hamblin, 2986 Shady Lane – What happened with the other grants, such as the renewable energy grant?  
(Answer: After checking into grants such as the categorical grant and renewable energy grant, it was determined that these grants require applications to be submitted “after the fact”. The FEMA grant (Block Grant) is one that the Town of Clayton will not qualify for due to the fact the Town does not have enough debt.)
- D. Update the Electors on the authorized negotiations to purchase the Reif property located at 8366 County Road T, Tax ID #006-0535-02.
- Mr. Scott Reif has decided to sell the property as an ongoing business.
  - It is not in the Town’s best interest to purchase the property as an ongoing business because of the Town’s intentions for the property use.
  - The access to the Town Municipal facility will be moved to the south of the initial plan so as to not impair access to Mr. Reif’s business.
- E. Update the Electors on the authorized negotiations to purchase the Wiedenbeck property located at 8322 County Road T, Tax ID #006-0535-06.
- Presented the map of the properties to the south of the Town Municipal property
  - Discussed the proposed purchases and exchange of land.
- F. Request by the Board for the Electors to authorize the purchase of the Marshall property located at 8328 County Road T, Tax ID #006-0535-08.
- Town Board Chair Luebke explained the current situation with the Yard Waste Site facility and the potential of Northeast Asphalt wanting use of the property in the near future.
  - Acquiring the proposed property would allow the Public Works employees to better monitor the Yard Waste Site and would save maintenance costs on the equipment by having the site closer to the Public Works garage.
  - Town Board Chair Luebke discussed the Town’s liability of the Clauson property due to the fill that was added to that property in years past.  
Comment: Arden Schroeder, 9458 State Road 76 – Mr. Salm should know what was in the fill that was added to the Clauson property.
  - Town Administrator Johnston discussed the cost of the property highlighted in yellow on the map (Wiedenbeck property) at being approximately 49 cents per foot.
  - The Marshall property value is assessed at \$22,000 for the land and \$56,000 for the buildings leaving a total property assessed value at \$78,000.

- Comment: Arden Schroeder, 9458 State Road 76 – The proposed property has drainage problems and would require significant amounts of fill.  
Town Administrator Johnston explained that Northeast Asphalt wants to clean the settling ponds on their property and would be a potential provider for the fill that is needed.
- Question: Scott Valitchka, 9251 Bomar Ave – How does it affect the use of the Town’s facility?  
(Answer: The remodeling of the facility will not affect the Town, but will affect Mr. Clauson’s property and business. Mr. Clauson is currently using the Town’s property for parking. When the remodeling is complete, the Town will be reclaiming the property currently used by Mr. Clauson’s customers leaving only a few parking stalls in the front of Mr. Clauson’s business.)
- 2<sup>nd</sup> Question: Scott Valitchka, 9251 Bomar Ave – What is the Town’s potential investment for the proposed property?  
(Answer: The Town Board and staff are asking for the authority from the Electors to purchase and negotiate with the property owners at a cost not to exceed a set dollar amount i.e. the assessed value of the Marshall property.)
- Question: Patty Stanek, 8395 County Road T – Both the proposed properties have buildings on them. Who would be responsible for the removal of the buildings and what would the cost of removing the buildings be?  
(Answer: The Town would be responsible for the removal of the buildings and staff has not looked into what the cost would be.)
- Question: Jeremy Jesse, 8310 County Road T – Is the proposed property considered wetland?  
(Answer: Because the proposed property is under an acre, the property is not considered wetland.)
- Comment: Terry Klinginger, 3637 Larsen Road – Expressed his concern for the proposed property purchases and exchanges.
- Comment: Arden Schroeder, 9458 State Road 76 – Expressed his concern for the proposed property purchases and exchanges and suggested purchasing the property next to the Town Municipal property only.
- Comment: Arden Eckstein, 3960 Larsen Road – The Town Board should approach this proposal and see what can be done, and stated that the opportunity is now.
- **MOTION BY:** Arden Eckstein, (3960 Larsen Road)
- **SECOND BY:** Teri Adler, 4305 Rocky Road )
- **MOTION TO:** To direct the Town Board and staff to purchase the 3 proposed properties and to barter with the other property owners as proposed by the map and to negotiate the price of the properties so as to not exceed the assessed value of the proposed properties.
- Question: Wendy Zeinert, 8558 Hickory Lane – Why purchase the two Marshall properties and the Wiedenbeck property?  
(Answer: The Marshall family is not willing to sell just the one property.)
- Question: Patty Stanek, 8395 County Road T – What is the benefit of owning both Marshall properties?  
(Answer: By purchasing both Marshall properties, the town has the potential to sell or trade the southern piece of the Marshall property that abuts the front piece of the Wiedenbeck property for part of the Wiedenbeck property.)
- **VOTE ON MOTION:** Motion carries with majority vote.

- G. Request by the Board for the Electors to authorize accepting a dedication of park and open space land by Jean and Peter Noffke for property located at 2632 County Road JJ, Tax ID #006-0906.
- Town Administrator Johnston explained the accepting of the dedication of the park and open space land will come with a cost to the Town. The Town will accept responsibility for rebuilding the cul-de-sac at the end of Balfour Street when repairing/rebuilding the road. The Noffke family offered to share the Storm Water Management pond.
  - Comment: Patty Stanek, 8395 County Road T – The park is part of Wisconsin history because a wagon train trail ran through the park.
  - Question: Arden Schroeder, 9458 State Road 76 – Does the property include the pistol range?  
(Answer: Yes, the Town’s attorney and the Noffke attorney are currently in negotiations the detail of the removal of the lead that is present in the area of the pistol range.)  
Question: Ben Hamblin, 2986 Shady Lane – Are there wet lands on the property? Is the park part of a larger plan? Are there uplands that are still in use?  
(Answer: Yes there are both wetlands and upland on the property and the site is included in the Town’s Park and Open Space Plan).
  - **MOTION BY:** Scott Valitchka, (9251 Bomar Ave)
  - **SECOND BY:** Arden Schroeder, (9458 State Road 76)
  - **MOTION TO:** Authorize the Town to accept the dedication of the park and open space land by Jean and Peter Noffke located at 2632 County Road JJ, Tax ID #006-0906 subject to the removal of all lead present in the area of the pistol range.
  - **VOTE ON MOTION:** Motion carried by unanimous consent.
- H. Request by the Town Board for the Electors to authorize the creation of a Town Constable Position.
- Discussed the Town’s need for a constable for ClaytonFest and also to give the Town a position of authority for holding potential offenders until the Sheriff’s department arrives.
  - Question: Ben Hamblin, 2986 Shady Lane – Would a Constable be allowed to carry a fire arm?  
(Answer: Under current State Law a properly permitted individual could carry a concealed weapon, what a Town Constable is allowed to do would be subject to Boars approval).
- I. Town Electors review of the proposed creation of a Town Wide Storm Water Management Utility District.
- Town Administrator Johnston discussed the Power Point presentation that was prepared by the Town of Menasha’s Town Administrator.
  - The proposal is a proactive approach to the Storm Water Management systems.
  - Discussed the budget of the Utility and cost transfers from the Town’s budget to the Utility budget.
  - Discussed the need for the Utility to address the problems of Storm Water Management throughout the Town.
  - Question: Scott Valitchka, 9251 Bomar Ave – Are the lack of Storm Water Management fixes in the Town due to the lack of funding?  
(Answer: The lack of resources.)  
Comment: Scott Valitchka, 9251 Bomar Ave – This is an important issue to the Town and by having such a utility would have a positive impact on the residents of the Town.

Question: Ben Hamblin, 2986 Shady Lane – Is this a new trend? What is stopping the Town from having a referendum?

(Answer: A referendum would be a continuing thing. By creating a Storm Water Management Utility, the fees would clearly be identified as to how the money is being used.)

Question: Arden Schroeder, 9458 State Road 76 – What happens with the farm property and the cost of a Storm Water Management Utility to the farmer? Would the fees be tax deductible?

(Answer: The Storm Water Utility Fees for farmland would be levies in a manner consistent with a State approved Drainage District, unfortunately, fees are not deductible under either Federal or State Laws).

Question: Patty Stanek, 8395 County Road T – How would the quarry be charged fees?

(Answer: The same as residents – the fees would be payable to the utility. The quarry is currently paying fees to the drainage district.)

Question: Patty Stanek, 8395 County Road T – What about the residents that are already in the Sanitary District and paying those fees?

(Answer: The residents that reside in both Utility areas would continue to pay both fees just as they are currently paying to both the drainage district and the sanitary district.)

- **MOTION:** Scott Valitchka, (9251 Bomar Ave)
- **SECOND BY:** Patty Stanek, (8395 County Road T)
- **MOTION TO:** Grant authority to the Town to establish a Storm Water Management Utility and to report back the Electors at the 2012 Annual Town Meeting.
- **VOTE ON MOTION:** Motion carried by unanimous consent.

#### **VII. Electors' Discussion/Action on Any Subject**

- Arden Schroeder, 9458 State Road 76 – Concerned with a rumor that the Town of Clayton is broke, the Town eliminating the position of the Town Clerk and one of the Public Works employees and the Town will not be able to provide the same level of services. The biggest asset of the Town is the town roads. The town roads are in need of maintenance and repair.

Response: Town Board Chair Luebke explained the Town's debt service plan for offsetting the cost of the Town's capital improvement plan. The services that the Town provides will be kept at the same level as they have been in the past. The Town Board's decision to cut staff was not an easy decision to make.

- Kay Lettau, 3795 County Road II – “On behalf of the Town Board, I would like to take this opportunity to thank both Glen and Susan for their years of service to the Town.”

#### **XIII. Adjourn Sine Die – 9:30 p.m.**

**MOTION BY:** Susan Nester-Huebner, (3416 Larsen Road)

**SECOND BY:** Patty Stanek, (8395 County Road T)

**MOTION TO:** To Adjourn Sine Die

**VOTE ON MOTION:** Motion carried by unanimous consent

Respectfully Submitted  
Tori Bowen, Treasurer